

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA.348/2010

This the 23rd day of July, 2010

**Hon'ble Mr. M.L.Chauhan, Member (Judicial)
Hon'ble Mr. K.S.Sugathan, Member(Administrative)**

Ganga Ram Sharma S/o Shri K.L.Sharma, aged aground 40 years, resident of 536/EL/B, Railway Colony, Ganapurcity, District Sawai Mahdopur. Presently working as P.G.T., Railway Senior Secondary School, Gangapurcity, District Sawai Madhopur.

..... Applicant

(By Advocate: Shri Amit Mathur)

- Versus -

1. Union of India, through General Manager, West Central Railway, Jabalpur M.P.
2. Divisional Railway Manager, West Central Railway Kota,
3. Senior D.P.O., West Central Railway , Kota Division, Kota.
4. Chairman of Housing Committee and Addl. Engineer, Chairman of Housing Committee, Railway Quarter, Gangapurcity District Sawai Madhopur

..... Respondents

O R D E R (ORAL)

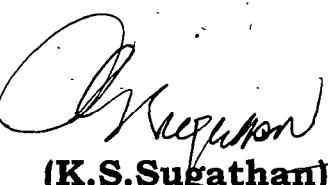
1. Heard learned counsel for the applicant.
2. Grievance of the applicant in this case is regarding imposing of damage rent for the period from 26.5.2007 to 8.7.2008, during which period the allotment initially made to the applicant was cancelled and subsequently regularized on 8.7.2008, for which the applicant has also made detailed representation dated 21.4.2010

(AnnexureA-12) to respondent No. 2, which has not been decided so far. One of the grievances of the applicant is that in case he had not occupied the accommodation during that period, the accommodation would have remained vacant as no other person was available to occupy the said accommodation. Thus, according to the learned counsel for applicant occupation of the said accommodation during the aforesaid period had been benefited to the respondents, as they have recovered rent from the applicant. Thus, retention of the applicant in the aforesaid accommodation was in public interest.

3. We have given due consideration to the submission made by learned counsel for applicant as well as pleading available on record. Since the representation of the applicant is pending before the appropriate authority and the same has not been disposed of, we are of the view that in the interest of justice a direction can be given to respondents No. 2 to decide the representation of the applicant by passing speaking and reasoned order.

4. In view of the observations made by the Tribunal in the aforesaid terms, this OA is disposed of at the admission stage, with a direction to respondent No.2 to decide the representation of the applicant by a reasoned and speaking order. Till the representation of the applicant is not decided by respondent No.2, no recovery shall

be affected by the respondent. The OA shall stand dispose of accordingly.



(K.S.Sugathan)
Member (Administrative)



(M.L.Chauhan)
Member (Judicial)

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